

(1) According to the Integrated Country Strategy for the United States Mission to China, released on August 29, 2018—

(A) “Chinese law enforcement and security services employ extra-judicial means against U.S. citizens without regard to international norms”; and

(B) exit bans “are sometimes used to prevent U.S. citizens who are not themselves suspected of a crime from leaving China as a means to pressure their relatives or associates who are wanted by Chinese law enforcement in the United States”.

(2) The Government of China has imposed exit bans on United States citizens in the context of criminal charges and private commercial disputes.

(3) Imposing exit bans on foreign nationals is authorized by Article 28 of the Exit and Entry Administration Law of the People's Republic of China, which—

(A) lists the circumstances under which “foreigners shall not be allowed to exit China”, including “other circumstances in which exit shall not be allowed in accordance with laws or administrative regulations”; and

(B) assigns responsibility for administering exit/entry matters to the Ministry of Public Security and the Ministry of Foreign Affairs, with public security organs responsible for administering “the stay and residence of foreigners.

(4) Such exit bans against United States citizens may violate Article 35 of the Consular Convention Between the United States of America and the People's Republic of China, done at Washington September 17, 1980, which states that—

(A) if a United States national is “placed under any form of detention”, the Government of China shall notify the United States consulate within 4 days; and

(B) a United States consular officer is entitled to “be informed of the reasons for which said national has been arrested or detained in any manner.”

(5) Such exit bans may also violate Article 36 of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and in effect in China as of August 1, 1979, which requires the Government of China to “without delay, inform the consular post of the sending State if, within its consular district, a national of that State. . . is detained in any other manner.”.

(6) Many United States citizens are not aware of a ban on their exit until they attempt to leave China and once they are made aware of the ban, Chinese authorities provide very little information to the United States citizen, or to United States consular officials regarding—

(A) the nature of the ban;

(B) which Chinese government entity is responsible for the ban; and

(C) what procedures must be followed to resolve the dispute related to the ban.

(7) The apparent extra-judicial application of exit bans to United States citizens presents a serious human rights concern that violates due process rights to which United States citizens are entitled under international law.

(C) INELIGIBILITY OF CERTAIN ALIENS FOR VISAS.—If the Secretary of State determines that an official of the Government of China has been substantially involved in the formulation or execution of a policy that prohibits certain United States citizens from leaving China in an attempt to convince a relative of such citizens to submit himself or herself into the custody of the Government of China for prosecution, to compel United States citizens to participate in Chinese government investigations, or to aid the Government of China in resolving civil disputes in favor of Chinese parties—

(1) such official may not be issued a visa to enter the United States or be admitted to the United States; and

(2) any visa or other documentation to enter or to be present in the United States that was previously issued to such official shall be revoked by the Secretary of State, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)).

(D) TERMINATION OF VISA INELIGIBILITY.—

(1) IN GENERAL.—The Secretary of State may terminate visa ineligibility under subsection (c) with respect to an individual if the Secretary of State determines that—

(A) credible information exists that the individual did not engage in the activity for which visa ineligibility was imposed;

(B) the individual has been prosecuted appropriately for the activity for which visa ineligibility was imposed;

(C) the individual has—

(i) credibly demonstrated a significant change in behavior;

(ii) been subject to an appropriate consequence for the activity for which visa ineligibility was imposed; and

(iii) credibly committed to not engage in an activity described in subsection (c) in the future; or

(D) the termination of visa ineligibility is in the national security interests of the United States.

(2) NOTIFICATION.—Not later than 15 days before the date on which visa ineligibility is terminated under paragraph (1) with respect to an individual, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that describes the justification for the termination.

(E) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary of State shall submit a report to the congressional committees listed in subsection (d)(2) that identifies—

(A) to the extent practicable, all of the Chinese officials who were substantially involved in the formulation or execution of a policy that prohibits certain United States citizens from leaving China in an attempt—

(i) to convince a relative of such citizens to submit himself or herself into the custody of the Government of China for prosecution;

(ii) to compel United States citizens to participate in Chinese government investigations; or

(iii) to aid the Government of China in resolving civil disputes in favor of Chinese parties;

(B) the individuals who have had visas denied or revoked pursuant to subsection (c) during the preceding year, including the dates on which such denials or revocations were imposed or terminated, as applicable;

(C) the number of United States citizens who the Government of China has prohibited from leaving China for any of the reasons described in subsection (c); and

(D) for each of the United States citizens referred to in subparagraph (C), the period during which they have been forced to remain in China.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) EXCLUSION OF PERSONALLY IDENTIFIABLE INFORMATION.—The Secretary of State may not include any personally identifying information of any United States citizen in any of the reports submitted to Congress under paragraph (1).

(4) PRIVACY ACT.—Any information obtained by the Secretary of State to complete the report under this subsection shall be subject to section 552a of title 5, United States Code (commonly known as the “Privacy Act”).

(f) WAIVER FOR NATIONAL INTEREST.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (c) in the case of an alien if the Secretary determines that such waiver—

(A) is necessary to permit the United States to comply with the Agreement Regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947 (TIAS 1676), or any other applicable international obligation of the United States; or

(B) is in the national interest of the United States.

(2) NOTIFICATION.—Upon granting a waiver under paragraph (1), the Secretary of State shall submit a report to the congressional committees listed in subsection (d)(2) that—

(A) details the evidence and justification for the necessity of such waiver; and

(B) if such waiver is granted pursuant to paragraph (1)(B), explains how such waiver relates to the national interest of the United States.

**SA 1550.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3503 and insert the following:

**SEC. 503. REPORT ON UNITED STATES EFFORTS TO ENGAGE THE PEOPLE'S REPUBLIC OF CHINA ON NUCLEAR ISSUES AND BALLISTIC MISSILE ISSUES.**

(a) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China has not entered into a treaty or agreement with the United States or any other party that places binding limits on its shorter-range, intermediate-, or strategic-range ballistic missiles, verified by national technical means and by on-site inspections, as the United States and the Russian Federation have done through the Intermediate-Range Nuclear Forces (INF) Treaty, the START I and START II Treaties, and the New START Treaty, each of which took multiple years to successfully negotiate.

(2) The People's Republic of China possesses significantly fewer intercontinental ballistic missiles, submarine launched ballistic missiles, and heavy bombers than the Russian Federation or the United States, and according to the Defense Intelligence Agency, the People's Republic of China's warhead stockpile is in the “the low couple of hundreds”, a fraction of the size of the arsenals of the Russian Federation and the United States.

(3) The People's Republic of China has repeatedly declined invitations by the United States to enter into bilateral negotiations for an arms control treaty or other agreement regarding its nuclear arsenal.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation

with the Secretary of Defense and the Secretary of Energy, shall submit to the appropriate congressional committees a report that sets forth a plan to engage the People's Republic of China on steps that reduce the risk of strategic miscalculation and the threat of a nuclear exchange, which may include any of the following proposals:

(1) A formal invitation to appropriate officials from the People's Republic of China, and to each of the permanent members of the United Nations Security Council, to observe a United States-Russian Federation New START Treaty on-site inspection to demonstrate the security benefits of transparency into strategic nuclear forces.

(2) Negotiations toward a treaty or agreement that prohibits the production of fissile material.

(3) An agreement with the People's Republic of China that allows for advance notifications of ballistic missile launches, through the Hague Code of Conduct or other data exchanges or doctrine discussions related to strategic nuclear forces.

(4) An agreement not to target or interfere in nuclear command, control, and communications (commonly referred to as "NC3") infrastructure.

(5) An agreement on transparency measures or verifiable limits, or both, on hypersonic cruise missiles and glide vehicles that are mounted on ballistic missiles.

(6) Any other cooperative measure that benefits United States-People's Republic of China strategic stability.

(c) **FORM OF THE REPORT.**—The report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

**SA 1551.** Mr. RISCH (for himself, Mr. CRAPO, Ms. ROSEN, Ms. CORTEZ MASTO, Mrs. CAPITO, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.**

Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (a), by adding at the end the following:

“(11) **UNDERPERFORMING STATE.**—The term ‘underperforming State’ means a State participating in the SBIR or STTR program that has been calculated by the Administrator to be one of 18 States receiving the fewest SBIR and STTR Phase I awards.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) in clause (iii), by striking “and” at the end;

(II) in clause (iv), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(v) to prioritize applicants located in an underperforming State.”;

(B) in paragraph (2)(B)(vi)—

(i) in subclause (II), by striking “and” at the end; and

(ii) by adding at the end the following:

“(IV) located in an underperforming State; and”;

(C) in paragraph (3), by striking “Not more than one proposal” and inserting “There is no limit on the number of proposals that”; and

(D) by adding at the end the following:

“(6) **ADDITIONAL ASSISTANCE FOR UNDERPERFORMING STATES.**—Upon application by a recipient that is located in an underperforming State, the Administrator may—

“(A) provide additional assistance to the recipient; and

“(B) waive the matching requirements under subsection (e)(2).”;

(3) in subsection (e)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting “and STTR” before “first phase” each place that term appears;

(II) in clause (i), by striking “50” and inserting “25”;

(III) in clause (ii), by striking “1 dollar” and inserting “75 cents”; and

(IV) in clause (iii), by striking “75” and inserting “50”;

(ii) in subparagraph (D), by striking “, beginning with fiscal year 2001” and inserting “and make publicly available on the website of the Administration, beginning with fiscal year 2022”; and

(iii) by adding at the end the following:

“(E) **PAYMENT.**—The non-Federal share of the cost of an activity carried out by a recipient may be paid by the recipient over the course of the period of the award or cooperative agreement.”; and

(B) by adding at the end the following:

“(4) **AMOUNT OF AWARD.**—In carrying out the FAST program under this section—

“(A) the Administrator shall make and enter into awards or cooperative agreements;

“(B) each award or cooperative agreement described in subparagraph (A) shall be for not more than \$500,000, which shall be provided over 2 fiscal years; and

“(C) any amounts left unused in the third quarter of the second fiscal year may be retained by the Administrator for future FAST program awards.

“(5) **REPORTING.**—Not later than 6 months after receiving an award or entering into a cooperative agreement under this section, a recipient shall report to the Administrator—

“(A) the number of awards made under the SBIR or STTR program;

“(B) the number of applications submitted for the SBIR or STTR program;

“(C) the number of consulting hours spent;

“(D) the number of training events conducted; and

“(E) any issues encountered in the management and application of the FAST program.”;

(4) in subsection (f)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “Small Business Innovation Research Program Reauthorization Act of 2000” and inserting “FAST Fix Act of 2021”; and

(II) by inserting “and Entrepreneurship” before “of the Senate”;

(ii) in subparagraph (B), by striking “and” at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(D) a description of the process used to ensure that underperforming States are given priority application status under the FAST program.”; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “ANNUAL” and inserting “BIENNIAL”;

(ii) in the matter preceding subparagraph (A), by striking “annual” and inserting “biennial”;

(iii) in subparagraph (B), by striking “and” at the end;

(iv) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

“(D) the proportion of awards provided to and cooperative agreements entered into with underperforming States; and

“(E) a list of the States that were determined by the Administrator to be underperforming States, and a description of any changes in the list compared to previously submitted reports.”;

(5) in subsection (g)(2)—

(A) by striking “2004” and inserting “2022”; and

(B) by inserting “and Entrepreneurship” before “of the Senate”; and

(6) in subsection (h)(1), by striking “\$10,000,000 for each of fiscal years 2001 through 2005” and inserting “\$20,000,000 for every 2 fiscal years between fiscal years 2022 through 2026, to be obligated before the end of the second fiscal year”.

**SA 1552.** Mr. RISCH (for himself, Ms. CORTEZ MASTO, and Ms. ROSEN) submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . STRENGTHENING AND ENHANCING CYBERSECURITY USAGE TO REACH SMALL BUSINESSES.**

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Small Business Administration.

(2) **COVERED INDUSTRY SECTORS.**—The term “covered industry sectors” means the following industry sectors:

(A) Accommodation and food services.

(B) Agriculture.

(C) Construction.

(D) Healthcare and social assistance.

(E) Retail and wholesale trade.

(F) Transportation and warehousing.

(G) Entertainment and recreation.

(H) Finance and insurance.

(I) Manufacturing.

(J) Information and telecommunications.

(K) Any other industry sector that the Administrator determines to be relevant.

(3) **COVERED VENDOR.**—The term “covered vendor” means a vendor of cybersecurity products and services, including cybersecurity risk insurance.

(4) **CYBERSECURITY.**—The term “cybersecurity” means—

(A) the art of protecting networks, devices, and data from unauthorized access or criminal use; and

(B) the practice of ensuring the confidentiality, integrity, and availability of information.

(5) **CYBERSECURITY THREAT.**—The term “cybersecurity threat” means the possibility of a malicious attempt to infiltrate, damage, disrupt, or destroy computer networks or systems.